

- (a) incubating overnight at 42°C in a solution consisting of 50% formamide, 5x SSC, 50 mM sodium phosphate (pH 7.6), 5x Denhardt's solution, 10% dextran sulfate, and 20 µg/ml denatured, sheared salmon sperm DNA; and
- (b) washing at 65°C in a solution consisting of 0.1x SSC.

44. The isolated protein of claim 43, which is produced by a recombinant host cell.
45. The isolated protein of claim 43, which comprises a heterologous polypeptide.
46. A composition comprising the isolated protein of claim 43 and a pharmaceutically acceptable carrier.--

### ***Remarks***

After cancellation of claim 22 and entry of the claims set out above, claims 27-46 will be pending in the captioned application, with claims 27, 32, 37, and 43 being the independent claims.

#### ***I. The Priority Applications***

The captioned application claims priority benefit of U.S. Application No. 08/815,469, filed March 11, 1997; U.S. Provisional Application No. 60/013,285, filed March 12, 1996; U.S. Provisional Application No. 60/028,711, filed October 17, 1996; and U.S. Provisional Application No. 60/037,341, filed February 6, 1997. Each of these applications have been incorporated by reference into the captioned application. (Specification, page 1, lines 3-7.)

**II. *Amendment to the Inventive Entity***

Deletion of Vishva Dixit from the inventive entity is respectfully requested, since Guo-Liang Yu, Jian Ni, Reiner L. Gentz, and Patrick J. Dillon are the inventors of the currently claimed invention. The amendment set out above is thus required so that the inventive entity includes only the correct inventors.

**III. *The Amendments to the Specification***

The specification has been amended to include the new address of the American Type Culture Collection (ATCC). The ATCC has recently moved from 12301 Park Lawn Drive, Rockville, MD 20852 to 10801 University Blvd., Manassas, VA 20110-2209. Applicants were advised on May 19, 1998, in a notification published in the Official Gazette, to amend pending applications to refer to the current address of the ATCC. (1210 OFF. GAZ. PAT. OFFICE 74 (May 19, 1998).) The amendments to page 8, lines 3-4 and 8-9, and page 63, line 24, are required to incorporate the new address of the ATCC into the specification. No new matter has been added by these amendments.

The specification of the captioned application has been amended to introduce subject matter from the '285 priority application. Since the '285 application was incorporated by reference into the captioned application at the time of filing (*see* specification, page 1, lines 3-7), the introduction of this subject matter does not constitute new matter.

In particular, the specification has been amended to include the following polypeptide fragments of SEQ ID NO:2, and polynucleotides which encode these fragments: amino acid residues from about 1 to about 215 of SEQ ID NO:2; amino acid residues from about 30 to about 215 of SEQ ID NO:2; amino acid residues from about 215 to about 240 of SEQ ID NO:2; amino

acid residues from about 240 to about 428 of SEQ ID NO:2; and amino acid residues from about 350 to about 420 of SEQ ID NO:2. For support, the Examiner is directed to the '285 priority application at page 11, lines 9-19, and page 30, lines 20-30. Accordingly, no new matter has been added by this amendment.

The specification has also been amended to correct an error in the form of the biological materials deposited as ATCC Deposit Nos. 97456 and 97757. In particular, page 5, line 1, of the specification states that the cDNA clones encoding the DR3-V1 (ATCC Deposit No. 75456) and DR3 (ATCC Deposit No. 97757) polypeptides were deposited in bacterial hosts. However, as evidenced by the attached ATCC deposit receipts, these cDNAs were deposited as plasmid DNAs.

Page 15, line 24, of the specification has been amended to correct an obvious typographical error in the amount of ingredients listed for 5x SSC (sodium chloride/sodium citrate). An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also the appropriate correction. (M.P.E.P. § 2163.07.) Here, the recognition of the typographical error, along with the correction of the error, in the amount of the ingredients listed for 5x SSC, is obvious to one skilled in the art, and, therefore, the correction does not constitute new matter.

5x SSC is a well known solution used in hybridization solutions. (*See, e.g.,* Exhibit A, CURRENT PROTOCOLS IN MOLECULAR BIOLOGY, John Wiley and Sons, N.Y., Supplement 35, page 2.10.7 (1996).) SSC is normally made as a 20x stock solution, and then diluted accordingly for a particular use. Exhibit B shows that a 20x SSC stock solution contains 3M NaCl and 0.3M trisodium citrate. (Exhibit B, CURRENT PROTOCOLS, page A.2.5.) To make a 5x SSC solution, the 20x SSC solution must be diluted by one-fourth. Therefore, a 5x SSC solution contains 750mM NaCl ( $3M \div 4 = 750mM$ ) and 75mM trisodium citrate ( $0.3M \div 4 = 75mM$ ).

One skilled in the art would have immediately recognized that the amount of ingredients listed in the specification for a 5x SSC solution was incorrect. Rather than describing a 5x SSC solution, made up of 750mM NaCl and 75mM trisodium citrate, the specification inaccurately listed the ingredients for a 1x SSC solution. Further, the skilled artisan, in recognizing the typographical error, could easily have adjusted the amount of ingredients described in the specification to properly make a 5x SSC solution. Therefore, the correction of this typographical error does not introduce new matter.

The amendment to page 15, line 25, of the specification, from "20 g/ml" to "20 µg/ml", is supported by page 13, lines 23-24, of U.S. Provisional Application Serial No. 60/013,285, filed March 12, 1996. As noted above, U.S. Provisional Application Serial No. 60/013,285 has been incorporated by reference into the captioned application. (Specification, page 1, lines 3-7.) Thus, the amendment of page 15, line 25, does not introduce new matter.

The specification has also been amended to correct errors of a typographical nature. Support for the amendment to page 13, line 27, can be found in the specification, at page 23, line 10, to page 24, line 16, page 19, line 28, to page 20, line 4, and pages 62, line 1, to page 65, line 12 (Example 4). Support for the amendment to page 14, lines 13-18, can be found in the specification, at page 7, lines 2-6, and page 33, lines 14-24. Support for the amendment to page 63, line 1, can be found in the specification, at page 10, lines 3-5. No new matter has been added by these amendments.

***IV. Claims 27-46 are Supported by the Specification of the '285 Application***

Support for new claims 27-46 can be found throughout the '285 application. In particular, support for claims 27-28, 32-33, and 37-39 can be found in the '285 application, *inter alia*, in claims 1, 6, and 20-25; in SEQ ID NOs:1 and 2; at page 7, line 33, to page 8, line 3; at page 8,

lines 14-24; and at page 30, lines 2-13. Support for claims 29-31, 34-36, 40-42, and 44-46 can be found in the '285 application, *inter alia*, at page 24, line 1, to page 28, line 28, and page 44, line 8, to page 46, line 33. Support for claim 43 can be found in the '285 application, *inter alia*, at page 7, line 33, to page 8, line 3, and at page 13, lines 17-25.<sup>1</sup>

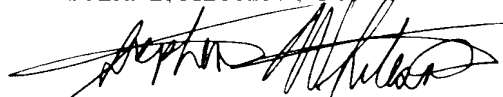
### ***Conclusion***

It is respectfully believed that this application is now in condition for substantive examination. Early notice to this effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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<sup>1</sup>Applicants note that nucleotides 1245 to 1457 of SEQ ID NO:1 of the captioned application are identical to nucleotides 1245 to 1457 of SEQ ID NO:1 of the '285 application. Further, these nucleotides encode amino acids 350 to 420 of SEQ ID NO:2.